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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,565	02/10/2004	Mark E. Wentland	BOEI-1-1245	1439

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EXAMINER

SWIATEK, ROBERT P

ART UNIT

PAPER NUMBER

3643

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/775,565

Applicant(s)

WENTLAND ET AL.

Examiner

Robert P. Swiatek

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3, 5 and 7-36 is/are pending in the application.
- 4a) Of the above claim(s) 16-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5, 7-15, 36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 5, 8, 9, 11-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Lanning (US 1,905,389). The Lanning aeroplane includes a fuselage 1 having bifurcated extensions 15, each containing a lavatory 18. In addition to a forward control room 8, the bow portion of the fuselage has a kitchen 11—inherently including a sink, although such is not *per se* shown. Each lavatory 18, which is considered to constitute a stall unit for the purposes of this action, is outfitted with a sink and commode (unnumbered, but shown diagrammatically in Figure 5). For the purposes of claims 3, 5, 13, 14, the left-hand lavatory 18 of Lanning (as seen in Figure 5) is considered to be a male facility while the right-hand lavatory is considered to correspond to a female facility. With this arrangement in mind, the sink of the male facility is deemed to constitute a urinal; although not specifically disclosed as such, this fixture *could* serve that purpose. The male facility, for example, then would include a commode and a “urinal,” with an additional sink being located in the female facility on the exterior side of a partition that is both separated from the male lavatory and “adjacent to a surrounding portion of the cabin” 16. As to claim 8, the wall containing the door 20 of Lanning and dividing the male lavatory from the cabin 16 is deemed to constitute a second separator. With regard to claims 12, 13, the

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kitchen sink referred to above is deemed to constitute at least one sink “located externally to the male lavatory facility and the female lavatory facility.”

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 10, 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lanning. Use of at least two sinks in each of the lavatories of Lanning, although not shown, would have been obvious to one skilled in the art wishing to permit two occupants to simultaneously wash or obtain water. With regard to claim 36, use of a two-color lighted panel adjacent to the door of each lavatory also would have been obvious to one skilled in the art wishing to indicate the occupancy status of the lavatory.

Applicants’ arguments filed 3 October 2005 have been fully considered but they are not persuasive. Claims 1, 3, 5, 7-15, 36 are not believed allowable for the reasons set forth in the above rejection.

Applicants’ amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Summary: Claims 1, 3, 5, 7-15, 36 have been rejected; claims 2, 4, 6 have been canceled; claims 16-35 have been withdrawn.

RPS: 0571/272-6894

23 December 2005

Robert P. Swiatek

ROBERT P. SWIATEK

PRIMARY EXAMINER

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